IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 411 OF 2007
IN
CRIMINAL APPEAL NO.1026 OF 2006

Amol @ Bapu Shankar Bagal ..... Applicant.
(Orig. Accused No.1.)

V/s

State of Maharashtra ..... Respondent.

Mr. M.A. Patil for the applicant.

Mr. Y.M. Nakhwa, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 31st October, 2007

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. This is an application for bail filed by the applicant who was convicted by the Trial Court for an offence punishable under section 304-B read with section 34 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for seven years and three years respectively.

3. It is the prosecution case that the applicant and

deceased got married on 27/5/2005 and within a period of one year, as a result of harassment and cruelty caused by the applicant to the deceased, she committed suicide by consuming poison. The prosecution has examined number of witnesses and after having perused the depositions of these witnesses, it has come on record that the accused had demanded dowry of Rs 51,000/- out of which Rs 45,000/- was paid by the father of the deceased at the time of marriage and the balance amount of Rs 6,000/- could not be arranged and, therefore, was not paid. The witnesses have deposed that on account of non-payment of Rs 6,000/- by the father of the deceased, applicant harassed the deceased. He used to beat her, abuse her and deny food to her. Though she had informed about this harassment and the applicant was informed by the father of the deceased that the balance amount would be paid in short time, applicant continued to harass the deceased and, as a result, she had no other option but to commit a suicide.

4. After having perused the evidence on record, in my view, this is not a fit case for grant of bail. Hence, application for bail is rejected. However, hearing of the appeal is expedited. Appellant is permitted to file a private paper-book and apply for a fixed dated of hearing. If the appeal is not heard within six months, liberty is granted to the applicant to apply for bail again.

(V.M. KANADE, J.)